

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. BOARD OF MEDICAL EXAMINERS

PREAMBLE

1. **Sections Affected**
R4-16-103
- Rulemaking Action**
New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. § 32-1404
Implementing statute: A.R.S. §§ 32-1426
3. **Effective Date of the Rule:**
May 20, 1997
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening:
2 A.A.R. 1495, April 19, 1996

Notice of Proposed Rulemaking:
2 A.A.R. 4863, December 6, 1996
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Elaine Hugunin
Deputy Director

Address: Board of Medical Examiners
1651 East Morten, Suite 210
Phoenix, Arizona 85020

Telephone: (602) 255-3751
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
A.R.S. § 32-1426 was amended in 1995 during the Legislature's 4th Special Session to change the statutory language addressing licensure by endorsement to extend the time for completing a series of national examinations from "administered between June 1, 1992, and July 31, 1995" to "within a 7-year period, or a longer period established by the Board in rules adopted pursuant to A.R.S. Title 41, Chapter 6." This statutory change was made because the timing of the examinations referenced in the statute could not be completed by many medical students within this time frame. This resulted in a number of resident physicians being denied licensure and several residents being unable to accept chief residency positions because they could not be licensed. The adopted rule establishes standards for completion of medical licensing examinations for medical school graduates who, by reason of an extended academic program, e.g. M.D./J.D. or M.D./Ph.D. programs, are unable to complete all 3 parts of the medical licensing examination combinations within the new time frame allowed in statute. The new rule implements the Board's statutory authority by extending the statutory period of time for taking the required combination of national licensing examinations from 7 years, the time allowed for all applicants, to 10 years. The additional time will allow the completion of the dual degree programs and allow the new graduate to have an internship or residency experience before completing the examinations. Presently, most medical students take the 1st 2 parts of the examination in medical school and the 3rd part during internship or residency training.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.

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8. The summary of the economic, small business and consumer impact:

Cost impacts of this rule amendment are anticipated to be minimal. The expected number of applicants seeking to utilize this new procedure is less than 10. There is a \$150 application fee for a physician who qualifies under this rule for the processing of the physician's license application and a \$400 examination fee which goes directly to the national testing organization. Cost to the Board of Medical Examiners will be minimal additional staff time for processing the application of each applicant, while total revenues are expected to be about \$1500 for the expected 10 applicants. The greatest financial benefit will be to those medical school graduates who will be able to practice medicine in Arizona upon complying with the examination requirements in this rule. The benefit is expected to be substantial.

The national testing organization will benefit from the \$4000 in testing fees but will incur costs to conduct and grade the examinations. Others will benefit, but not financially. Those benefitting include health care organizations which will have a wide pool of providers from which to choose and consumers who will benefit from the availability of additional, well-trained, licensed physicians in Arizona.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Several minor clarification, grammatical, typographical, and format changes were made in response to comments provided by GRRC staff. None were substantive. The most changes were made to R4-16-103(A), where "applicable combination of examinations" was revised to clarify that the "combination of examinations" referred to those "specified in that subsection", meaning A.R.S. § 32-1426(B)(4), and the format was changed to make listed application requirements into numbered subsections.

10. A summary of the principal comments and the agency response to them:

There were no public comments received, either written or oral.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

12. Incorporations by reference and their location in the rules:

None.

13. Was this rule previously adopted as an emergency rule?

Not applicable.

14. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. BOARD OF MEDICAL EXAMINERS

ARTICLE 1. GENERAL PROVISIONS

Section

R4-16-103. Licensure by Endorsement

ARTICLE 1. GENERAL PROVISIONS

R4-16-103. Licensure by Endorsement

A. An applicant for licensure by endorsement may request from the Board, in writing, an extension beyond the 7-year time period provided by A.R.S. § 32-1426(B)(4) for passage of one of the combinations of examinations specified in that subsection. An applicant shall submit the request to the Board together with evidence that:

- 1.** The applicant meets all requirements for licensure and for taking the United States Medical Licensing Examination.
- 2.** The combination of examinations cannot be passed in the time required by law, and
- 3.** The applicant is:
 - a.** A full-time student in an approved school of medicine;
 - b.** A participant in an approved hospital internship, residency, or clinical fellowship program; or
 - c.** A full-time student in a recognized degree program concurrently or consecutively with medical school or postgraduate training.

- B.** A requested extension shall be granted by the Board upon the Board determining that an applicant has submitted evidence which satisfies the requirements of subsection (A).
- C.** An applicant may be granted an extension of up to 10 years from the date of the successful completion of the 1st part of the combination of examinations.
- D.** An applicant who is denied an extension may request a hearing to contest the denial by filing a written notice with the Board within 15 days of receipt of notice of the Board's action. A hearing shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.
- E.** For purposes of this Section, a "recognized degree program" means an education program that is offered by a college or university approved by the New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or the Western Association of Schools and Colleges; or accredited by the United States Department of Education, the Council on Post-secondary Accreditation, the Association of American Medical Colleges, the Association of Canadian Medical Colleges, or the American Medical Association.